

S/N: 09/924,111

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael A. Gaul	Examiner:	Peng, Fred H.
Serial No.:	09/924,111	Group Art Unit:	2426
Filed:	August 7, 2001	Docket No.:	A-7172/60374.0004USI5
Title:	Interactive Program Guide Configuration System		

REPLY BRIEF UNDER 37 C.F.R. § 41.41 IN RESPONSE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellants hereby submit a brief in reply to the Examiner's Answer dated March 19, 2009, in the patent application identified above. A Notice of Appeal was filed on November 7, 2008, and an Appeal Brief was filed on December 5, 2008.

REAL PARTY OF INTEREST

The real party of interest is Scientific-Atlanta, Inc. of Lawrenceville, Georgia. An Assignment is of record in the application.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claim	Status
1-3, 6, 10-23, 26, 30-36, 39, 43-48, 51, and 57-74	Rejected
4-5, 7-9, 24-25, 27-29, 37- 38, 40-42, 49-50, and 52-56	Cancelled

Rejected Claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, 51, and 57-74 are being appealed.

A clean copy of Claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, 51, and 57-74 involved in this appeal is attached as an Appendix.

STATUS OF AMENDMENTS

All Amendments to date have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

See Appeal Brief filed December 5, 2008, pages 2-7.

REPLY

The arguments presented in the Appeal Brief are hereby incorporated by reference in their entirety.

Claims 1-3, 6, 10-14, 17-23, 26, 30-36, 39, 43-48, 51, and 55-74 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2007/0186240 ("*Ward*"). Claims 15-16 are rejected under 35 U.S.C. 103(a) as unpatentable over in view of U.S. Patent No. 6,442,755 ("*Lemmons*").

In the Answer, the Examiner states that *Ward* teaches representing an IPG channel listing characteristic with an object indicia and an action for configuring the characteristic with a tool indicia. (See Examiner's Answer, pages 9-10). The Examiner equates the Schedule button in *Ward* to the claimed object indicia and the Remove/Change buttons correspond to the claimed tool indicia. (Id.)

In contrast, *Ward* merely teaches that a Schedule button which is a link which when selected will display the stored schedule. (Fig. 1). The stored schedule is clearly not a channel listing characteristic, but is instead the schedule itself.

Likewise, *Ward* appears to teach Remove/Change buttons wherein the data in the channel listing may be reconfigured. (Fig. 6). However, this only serves to change the channel listing itself and not the characteristics of the IPG channel listings.

As *Ward* teaches neither an IPG channel listing characteristic with an object indicia nor an action for configuring the characteristic with a tool indicia as required by Independent Claims 1, 6, 17, 26, 30, 39, 43, and 51.

Dependent Claims 2-3, 10-14, 18-23, 31-36, 44-48, and 55-74 are also patentable at least for the reasons described above regarding independent Claims 1, 6, 17, 26, 30, 39, 43, and 51, and by virtue of their respective dependencies upon independent Claims 1, 6, 17, 26, 30, 39, 43, and 51.

CONCLUSION

In closing, Appellants respectfully submit that the rejected claims define patentable subject matter over the applied art and request the Board to reverse the rejections of those claims.

While no fees are believed due, the Commissioner is authorized to charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.

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Date: May 19, 2009

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